

1 EDMUND G. BROWN JR.
2 Attorney General of the State of California
3 DANE R. GILLETTE
4 Chief Assistant Attorney General
5 GARY W. SCHONS
6 Senior Assistant Attorney General
7 KEVIN VIENNA
8 Supervising Deputy Attorney General
9 ERIKA HIRAMATSU, State Bar No. 190883
10 Deputy Attorney General
11 110 West A Street, Suite 1100
12 San Diego, CA 92101
13 P.O. Box 85266
14 San Diego, CA 92186-5266
15 Telephone: (619) 645-2224
16 Fax: (619) 645-2191
17 Email: Erika.Hiramatsu@doj.ca.gov

18 Attorneys for Respondent

19
20
21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

24
25
26
27
28 **EDWARD SAENZ, JR.,**

29 Petitioner,

30 v.

31
32 **SECRETARY OF THE DEPARTMENT OF**
33 **CORRECTIONS AND REHABILITATION, et**
34 **al.,**

35 Respondent.

36 08-0566 WQH (JMA)

37
38 **REQUEST FOR FIRST**
39 **ENLARGEMENT OF TIME TO**
40 **FILE RESPONDENT'S MOTION**
41 **TO DISMISS HABEAS PETITION**
42 **(28 U.S.C. § 2254)**

43
44 Judge: The Honorable Jan M. Adler

45
46 I, Erika Hiramatsu, declare the following under penalty of perjury under the laws of the
47 United States:

48
49 I am the deputy attorney general assigned to prepare Respondent's Motion to Dismiss
50 Petitioner's habeas petition pursuant to this Court's July 17, 2008, Order in the above-entitled
51 matter.

52
53 This is Respondent's first request for enlargement of time to file Respondent's Motion to
54 Dismiss, which is due today, September 4, 2008.

1 While mindful of this Court's order that a request for an extension of time should be made
2 in advance of the due date of the pleading, I respectfully request time to file the Motion be enlarged
3 seven (7) days to and including September 10, 2008, for the following reasons:

4 I completed a draft of the Motion to Dismiss on August 29, 2008, and submitted it for
5 supervisory review. Since completing the draft, I have been working on a Ninth Circuit case in
6 which a response is due on Monday, September 8, 2008, after one thirty-day enlargement of time.
7 Due to an oversight, supervisory review of the draft was not completed until this afternoon. Because
8 of the time it will take to clerically process the Motion to Dismiss, it will not be possible to file it
9 today.

10 An enlargement of time to file the Motion to Dismiss is required to allow sufficient time
11 for its clerical processing and duplication, as I share my secretary with another attorney and one
12 supervising attorney.

13 For these reasons, I respectfully request the time for filing Respondent's Motion to
14 Dismiss be enlarged to and including **September 10, 2008.**

15 Dated: September 4, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

s/Erika Hiramatsu
ERIKA HIRAMATSU
Deputy Attorney General
Attorneys for Respondent

80279147.wpd
SD2008700706

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Saenz v. Dept. of Corrections**

No.: 08-0566 WQH (JMA)

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 4, 2008, I served the following documents:

REQUEST FOR FIRST ENLARGEMENT OF TIME TO FILE RESPONDENT'S MOTION TO DISMISS HABEAS PETITION (28 U.S.C. § 2254); and ORDER GRANTING RESPONDENT'S REQUEST FOR AN ENLARGEMENT OF TIME TO FILE A MOTION TO DISMISS (28 U.S.C. § 2254)

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Edward Saenz, Jr.
461 5th Avenue, # 20
San Diego, CA 92101
Pro Se

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case: None

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing): **Edward Saenz, Jr.** at the above-named address.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 4, 2008, at San Diego, California.

Bonnie Peak

Declarant

Bonnie Beach

Signature